IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Sebastian Hallensleben	§	Group Art Unit:	2135
Serial No:	10/527,253	§	Examiner:	Gyorfi, Thomas A.
Filed:	March 9, 2005	§	Confirmation No:	2834

Attorney Docket No: P17536-US1
Customer No.: 27045

For: METHOD FOR REQUESTING USER ACCESS TO AN APPLICATION

Via EFS-Web

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Date: **March 25, 2011**

Name: **Melissa Rhea**

Signature: **/Melissa Rhea/**

Dear Examiner:

APPEAL UNDER 35 U.S.C. §134

This Brief is submitted in connection with the decision of the Primary Examiner set forth in the Non-Final Official Action dated October 29, 2010, rejecting claims 1-4 and 7-17, which are all of the pending claims in this application. The Non-Final Office Action was in response to the Applicant's Appeal filed July 30, 2010. The Examiner reopened prosecution and indicated in paragraph 2 of the Detailed Action two options available to the Applicant to avoid abandonment. One option indicated is to initiate a new appeal, which the Applicant is exercising at this time. As indicated in the Detailed Action the previously paid notice of appeal fee and the appeal brief fee is applied to this appeal.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §41.20(b)(2) that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1379.

I. Real Party in Interest

The real party in interest, by assignment, is Telefonaktiebolaget LM Ericsson, a Swedish corporation, with its principal office at SE-164 83 Stockholm, Sweden.

II. Related Appeals and Interferences

To the best of the knowledge of the undersigned, there are no related appeals and no interferences regarding the above application.

III. Status of Claims.

Claims 1-4 and 7-17 are pending in the present application, which are finally rejected and form the basis for this Appeal. Claims 1-4 and 7-17, including all amendments to the claims are attached in the Claims Appendix.

IV. Status of Amendments.

Applicant has amended claims 1, 7 and 11 (changing 'and' to 'or') in response to the Final Office Action to clarify the intent of the Applicant to show that access to an application is gained through one network or the other and not through subsequent networks. No other amendments or responses have been filed subsequent to the final rejection dated February 2, 2010. The claims set out in the Claims Appendix include all entered amendments.

V. Summary of Claimed Subject Matter.

Claim Element	Specification Reference
1. (Previously Presented) A method for requesting access for a user to an application in a further network, wherein an entity providing said application can be accessed	Throughout the Specification, including: page 1, line 26 through page 2, line 13

only through a first network or a second network, the application being independent of the first and second network, and wherein the user attempted to access the application at least once through the first network, the method comprising the following steps:	
granting the user access to the second network,	Throughout the Specification, including: page 1, line 26 through page 2, line 13
receiving a request for accessing the application from the user,	Throughout the Specification, including: page 1, line 26 through page 2, line 13
detecting by the second network that the user already contacted the application via the first network,	Throughout the Specification, including: page 1, line 26 through page 2, line 13
requesting by the second network from the first network an identifier that has been generated and used by the first network to identify the user towards the entity that provides the application,	Throughout the Specification, including: page 1, line 26 through page 2, line 13
receiving the requested, generated identifier by the second network, and	Throughout the Specification, including: page 1, line 26 through page 2, line 13
sending a request, by the second network, for accessing the application and the generated identifier received from the first network, towards the entity providing the application to identify the user to the entity that provides the application, the identifier being used by the first network is the same identifier used by the second network.	Throughout the Specification, including: page 1, line 26 through page 2, line 13

Claim Element	**Specification Reference**
7. (Previously Presented) A system for granting user access to an application in a further network, wherein an entity providing said application can be accessed only through a first network or a second network, said application being independent of the first and second networks, and wherein the user attempted to access the application at least once through the first network, comprising:	Throughout the Specification, including: page 1, line 26 through page 2, line 13.
means for granting said user access to the second network,	Throughout the Specification, including: page 1, line 26 through page 2, line 13

means for receiving a request for accessing the application from the user within said second network,	Throughout the Specification, including: page 1, line 26 through page 2, line 13
means for detecting, by the second network, that the user already attempted to access the application via the first network,	Throughout the Specification, including: page 1, line 26 through page 2, line 13.
means for requesting from the first network, by the second network, an identifier that has been generated and used by the first network to identify the user towards the entity that provides the application,	Throughout the Specification, including: page 1, line 26 through page 2, line 13.
means for receiving the requested, generated identifier, from the first network, by the second network, and	Throughout the Specification, including: page 1, line 26 through page 2, line 13.
means for sending a request, by the second network, for accessing the application towards the entity providing the application, said request including the generated identifier received from the first network to identify the user to the entity that provides the application, the identifier being used by the first network is the same identifier used by the second network.	Throughout the Specification, including: page 1, line 26 through page 2, line 13

Claim Element	**Specification Reference**
11. (Previously Presented) A system for handling a user request towards an external application wherein a network node providing said application is only accessible from a first communication network or a second communication network, the external application being independent of the first and second communication networks, said second communication network comprising:	Throughout the Specification, including: page 1, line 26 through page 2, line 13
means for receiving an access request from said user wherein said access request is for accessing said application associated with said network node;	Throughout the Specification, including: page 1, line 26 through page 2, line 13
means for determining that the user had previously attempted to access said application using said first communication network;	Throughout the Specification, including: page 1, line 26 through page 2, line 13
means for requesting user information associated with said user from said first	Throughout the Specification, including: page 1, line 26 through

communication network, said user information including an identifier generated and used by the first communication network to identify the user towards the network node that provides the application;	page 2, line 13
means for receiving said requested user information, including the generated identifier from said first communication network; and	Throughout the Specification, including: page 1, line 26 through page 2, line 13
means for requesting access to said network node from said second communication network using said received user information, including the generated identifier, to identify the user to the network node that provides the application, the identifier being used by the first network is the same identifier used by the second network.	Throughout the Specification, including: page 1, line 26 through page 2, line 13

The specification references listed above are provided solely to comply with the USPTO's regulations regarding appeal briefs. The use of such references should not be interpreted to limit the scope of the claims to such references or to limit the scope of the claimed invention in any manner.

VI. Grounds of Rejection to be Reviewed on Appeal

a. Issue

The issue presented for this appeal is whether claims 1-4 and 7-17 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Khalil (US Patent 7,218,634), hereinafter Khalil, in view of Saito (US Patent 6,275.941), hereinafter Saito.

VII. Argument

a.) Claims 1-4 and 7-17 are patentable over Khalil in view of Saito.

The purpose of the present invention is to reduce the identification process by using an identifier, already proved reliable by one network, which can be used by a subsequent network that trusts the identifier generated by the first network. Authentication servers would be included in both, separate networks (though not shown) in the present invention. In normal practice, a user requesting access in a

second network would have to be authenticated again in the second network. As previously stated, the present invention obviates this necessity.

The present invention claims use of an identifier by both a first and a second network towards an application in a further network, where the identifier is generated by the first network. The identifier is requested by and recognized by the second network for providing access for the user to the further network without need for further authentication. In Figure 1 of the present application (below) an embodiment of the present invention is presented. The User attempts to access an application at EA1 via the depicted landline user equipment, UE1, and network TN1. Maybe the attempt was successful or maybe not; but the first network generated an identifier of the User that is acceptable for entry to TN1 and EA1.

The User subsequently attempts to access EA1, but this time through the user's mobile terminal UE2 and network TN2. Network TN2 detects that the user has already accessed EA1 via network TN1. TN2 requests, and receives, the identification from TN1 and then sends a request for the User to access EA1 via TN2 using the identification that was valid when User accessed EA1 via network TN1.

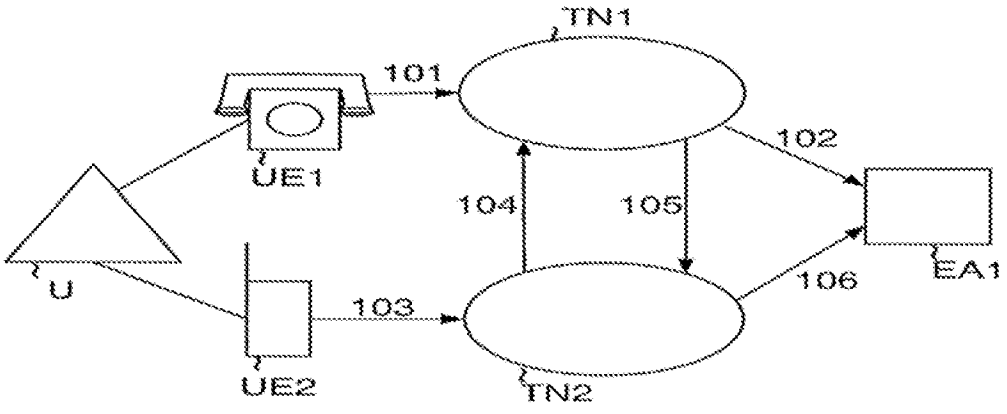

Fig. 1

The Applicant respectfully presents claim 1, which is analogous to claims 7 and 11, to illustrate the differences between the cited art and the Applicant's present invention. It appears that a rejection of claim 11 was not discussed in the rejection but was intended to be rejected with claims 1 and 7; the Applicant will respond as if claim 11 was also rejected. Figure 1 references are included in claim 1 below strictly to help in explaining the relation between the claim language, the Specification and Figure 1.

> 1. (Previously Presented) A method for requesting access for a user **(U)** to an application in a further network **(EA1)** wherein an entity providing said application can be accessed only through a first network **(TN1)** or a second network **(TN2)**, the application being independent of the first and second network, and wherein the user attempted to access the application at least once through the first network **(TN1)**, the method comprising the following steps:
>
> granting the user access to the second network **(TN2)**,
>
> receiving a request for accessing the application from the user,
>
> detecting by the second network that the user already contacted the application via the first network,
>
> requesting by the second network from the first network an identifier that has been generated **(not shown)** and used by the first network to identify the user towards the entity that provides the application,
>
> receiving the requested, generated identifier by the second network, and
>
> sending a request, by the second network, for accessing the application and the generated identifier received from the first network, towards the entity providing the application to identify the user to the entity that provides the application, the identifier being used by the first network is the same identifier used by the second network. (emphasis added)

The preamble to Applicant's claim 1 states: "*…requesting access for a user **(U)** to an application in a further network **(EA1)** wherein an entity providing said application can be accessed only through a first network **(TN1)** or a second network **(TN2)**, the application being independent of the first and second network, and wherein the user attempted to access the application at least once through the first network **(TN1)**, the method comprising…*"

In MPEP 2111.02 - Any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation. See, e.g., Corning Glass Works v. Sumitomo Elec. U.S.A., Inc., 868 F.2d 1251, 1257, 9 USPQ2d 1962, 1966 (Fed. Cir. 1989).

Also, "[A] claim preamble has the import that the claim as a whole suggests for it." Bell Communications Research, Inc. v. Vitalink Communications Corp., 55 F.3d 615, 620, 34 USPQ2d 1816, 1820 (Fed. Cir. 1995). "If the claim preamble, when read in the context of the entire claim, recites limitations of the claim, or, if the claim preamble is 'necessary to give life, meaning, and vitality' to the claim, then the claim preamble should be construed as if in the balance of the claim." Pitney Bowes, Inc. v. Hewlett-Packard Co., 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165-66 (Fed. Cir. 1999). See also Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951)

As the above references indicate the preamble should be construed with the other limitations in the claim if it limits the structure of the claimed invention. The Applicant respectfully contends that the preamble at least limits the claim to being accessed only through a first and second network to access an application in a further network. So all the limitations in the whole claim must be considered, including the preamble in order to reject the individual claim limitations.

The Khalil reference discloses a method and system of registration for a mobile node in a packet based communication network. Khalil is concerned with making sure that packets are continually routed to a mobile as it moves from one network, or subnetwork, to another (col. 3, lines 56-60). Because of the change from IPv4 to IBv6, a larger address space is needed to handle the addresses in the IP networks and Khalil discloses a new protocol for power-up and hand-off. As indicated in the Detailed Action (page 4, second paragraph), "Khalil is primarily concerned with how a mobile node can maintain its connection to the Internet as it roams from network to network, ...".

The Examiner rejects the Applicant's limitation of claim 1; *"granting a user access to a second network..."*, and cites a portion of Khalil that discloses a user's mobile device being connected to a foreign network (seeking access). Respectfully, the Applicant asserts that the Examiner is wrong. Taken out of context it would appear that

Khalil discloses what the Examiner indicates. However, in the context of the preamble, this is not correct. As stated in the preamble the user has already attempted to access the target through a first network and is now seeking access to the target through a second network.

The Examiner rejects the Applicant's limitation of claim 1; "*detecting by the second network that the user already contacted the application via the first network, ...*" and cites a portion of Khalil that discloses a mobile device having roamed from a home (first) network to the foreign (second) network, detecting the requisite message indicating such...". The Applicant respectfully asserts that the portion of Khalil cited,; "col. 9, lines 40-50, col. 11, lines 55-65, etc." do not disclose the rejected limitation. The column 9 cite discusses hand-ff and hand-off response messages and procedures. The column 11 cite discusses DHCPv6 address and AAA system Hand-off and context request message. In neither cited portion of Khalil is there any reference, suggestion or teachin to detecting that the user has already contacted the target application via the first network.

The Saito reference is cited for disclosing an example of connecting to an application on the Internet. The Applicant is aware of providing authentication information to log into an application on the Internet. However, Saito does not disclose the final limitation of claim 1: "*...sending a request, by the second network, for accessing the application and the generated identifier received from the first network, towards the entity providing the application to identify the user to the entity that provides the application, the identifier being used by the first network is the same identifier used by the second network.*" (emphasis added). The Applicant respectfully that the Khalil reference also fails to disclose the second network accessing the application by applying an identifier used by the first network to access the application.

In the Response to Arguments section of the Detailed Action the Examiner points out that the Applicant states "the Applicant is claiming two access networks" in the previous Appeal Brief. The Applicant agrees. And, the Applicant agrees that the statement is incorrect. What the Applicant meant to say is that the Applicant is claiming access to the further network by either network as indicated in the preamble; "...access

for a user **(U)** to an application in a further network **(EA1)** wherein an entity providing said application can be accessed only through a first network **(TN1)** or a second network **(TN2)**, with the application as indicated in the preamble and access for a user **(U)** to an application in a further network **(EA1)...".**

The limitations in claim 1 indicate that an identifier for a user is generated by a first network and since it is acceptable by EA1, when the user attempts to access EA1 from a second network that same identifier is retrieved from the first network and presented to the authentication means at EA1 to obtain access. Neither the Khalil nor the Saito references disclose an identifier that can be shared between access networks (first and second access networks) so as to access an application in a further network via one access network or the other.

In summary, the Khalil reference does not disclose a second network's use of the same identifier, generated and used by a first network towards an application in a further network to access the application in the further network via the second network. Further, Khalil does not disclose a second network requesting the identifier from the first network. Neither does Saito disclose using an identifier generated by the first network for accessing the application in the further network towards the application by the first or second networks. Further, neither reference discloses the second network requesting an identifier from the first network to identify the user towards the application.

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." In that regard, the Applicant submits that the requirements of a prima facie case of obviousness are not met. The Examiner's two references still fail to teach or suggest each and every element of the presently pending independent claims whether the two references are considered individually or in combination. The Applicant submits that independent claim 1 and analogous independent claims 7 and 11 are therefore not obvious. The Applicant respectfully requests the allowance of claims 1, 7 and 11.

Claims 2-4, 8-10 and 12-17 depend respectively from amended claims 1, 7 and 11 and recite further limitations in combination with the novel elements of claims 1, 7 and 11. Therefore, the allowance of claims 2-4, 7-10 and 12-17 is also respectfully requested.

For all of the foregoing reasons, it is respectfully submitted that claims 1-4 and 7-17 should be allowed. A prompt notice to that effect is earnestly solicited.

Respectfully submitted,

/Sidney L. Weatherford/

Date: March 25, 2011

Sidney L. Weatherford
Registration No. 45,602

Ericsson Inc.
6300 Legacy Drive, M/S EVR1 C-11
Plano, Texas 75024

(972) 583-2012
Sidney.weatherford@ericsson.com

VIII. Claims Appendix.

Listing of Claims:

1. (Previously Presented) A method for requesting access for a user to an application in a further network, wherein an entity providing said application can be accessed only through a first network or a second network, the application being independent of the first and second network, and wherein the user attempted to access the application at least once through the first network, the method comprising the following steps:

granting the user access to the second network,

receiving a request for accessing the application from the user,

detecting by the second network that the user already contacted the application via the first network,

requesting by the second network from the first network an identifier that has been generated and used by the first network to identify the user towards the entity that provides the application,

receiving the requested, generated identifier by the second network, and

sending a request, by the second network, for accessing the application and the generated identifier received from the first network, towards the entity providing the application to identify the user to the entity that provides the application, the identifier being used by the first network is the same identifier used by the second network.

2. (Previously Presented) The method according to claim 1, wherein the first and the second network are run by a different operator.

3. (Previously Presented) The method according to claim 1 further comprising the step of sending authentication information to the first network.

4. (Previously Presented) The method according to claim 1, wherein the entity providing the service stores a profile of the user at reception of the first attempt of the user to access the service, wherein the profile is associated to the generated identifier sent from the first network and wherein the second network uses the same generated

identifier for the user towards the entity providing the service in order to achieve that the stored profile is used for the user.

5-6. (Cancelled)

7. (Previously Presented) A system for granting user access to an application in a further network, wherein an entity providing said application can be accessed only through a first network or a second network, said application being independent of the first and second networks, and wherein the user attempted to access the application at least once through the first network, comprising:

means for granting said user access to the second network,

means for receiving a request for accessing the application from the user within said second network,

means for detecting, by the second network, that the user already attempted to access the application via the first network,

means for requesting from the first network, by the second network, an identifier that has been generated and used by the first network to identify the user towards the entity that provides the application,

means for receiving the requested, generated identifier, from the first network, by the second network, and

means for sending a request, by the second network, for accessing the application towards the entity providing the application, said request including the generated identifier received from the first network to identify the user to the entity that provides the application, the identifier being used by the first network is the same identifier used by the second network.

8. (Previously Presented) The system according to claim 7, wherein the first and the second network are run by different operators.

9. (Previously Presented) The system according to claim 7 further comprising means for sending authentication information to the first network.

10. (Previously Presented) The system according to claim 7, wherein the entity providing the service stores a profile of the user at reception of the first attempt of the user to access the service, wherein the profile is associated to the generated identifier sent from the first network and wherein the second network uses the same generated identifier for the user towards the entity providing the service in order to achieve that the stored profile is used for the user.

11. (Previously Presented) A system for handling a user request towards an external application wherein a network node providing said application is only accessible from a first communication network or a second communication network, the external application being independent of the first and second communication networks, said second communication network comprising:

means for receiving an access request from said user wherein said access request is for accessing said application associated with said network node;

means for determining that the user had previously attempted to access said application using said first communication network;

means for requesting user information associated with said user from said first communication network, said user information including an identifier generated and used by the first communication network to identify the user towards the network node that provides the application;

means for receiving said requested user information, including the generated identifier from said first communication network; and

means for requesting access to said network node from said second communication network using said received user information, including the generated identifier, to identify the user to the network node that provides the application, the identifier being used by the first network is the same identifier used by the second network.

12. (Previously Presented) The system of Claim 11 wherein said user information including said generated identifier is used by said first communication network in communicating with said network node.

13. (Previously Presented) The system of Claim 11 wherein said user information includes user preference information used by said first communication network in communicating with said network node.

14. (Previously Presented) The system of Claim 11 further comprising means for sending authentication information from the second communication network to the first communication network.

15. (Previously Presented) The system of Claim 11 wherein said means for determining that the user had previously attempted to access said application using said first communication network further comprises means for receiving an indicator from said user.

16. (Previously Presented) The system of Claim 11 wherein said means for determining that the user had previously attempted to access said application using said first communication network further comprises means for determining that the user had been ported from said first communication network to said second communication network.

17. (Previously Presented) The method according to claim 1, further comprising the step of storing the generated identifier in the first network.

IX. Evidence Appendix.

NONE

X. Related Proceedings Appendix.

NONE